

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOEL GREENFELD  
on behalf of himself and  
all other similarly situated consumers

Plaintiff,

-against-

13 CV 1800

GLOBAL CREDIT & COLLECTION CORPORATION

Defendant.

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**CLASS ACTION COMPLAINT**

*Introduction*

1. Plaintiff Joel Greenfeld seeks redress for the illegal practices of Global Credit & Collection Corporation concerning the collection of debts, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”).

*Parties*

2. Plaintiff is a citizen of the State of New York who resides within this District.
3. Plaintiff is a consumer as that term is defined by Section 1692(a)(3) of the FDCPA, in that the alleged debt that Defendant sought to collect from Plaintiff a consumer debt.
4. Upon information and belief, Defendant’s principal place of business is located in Williamsville, New York.
5. Defendant is regularly engaged, for profit, in the collection of debts allegedly owed by consumers.

6. Defendant is a “debt collector” as that term is defined by the FDCPA, 15 U.S.C. § 1692(a)(6).

***Jurisdiction and Venue***

7. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.
8. Venue is proper in this district pursuant to 28 U.S.C. § 1331(b), as the acts and transactions that give rise to this action occurred, in substantial part, in this district.

***Allegations Particular to Joel Greenfeld***

9. Upon information and belief, on a date better known by Defendant, Defendant began to attempt to collect an alleged consumer debt from the Plaintiff.
10. On or about June 7, 2012, Defendant sent the Plaintiff a collection letter seeking to collect a balance allegedly incurred for personal purposes.
11. Upon receipt of the said letter, Plaintiff sent the Defendant a letter via USPS Certified Mail on or about June 21, 2012 disputing the alleged debt.
12. Defendant ignored the said dispute letter and sent the Plaintiff a further collection letter on or about October 5, 2012 seeking to collect the said debt in violation of 15 U.S.C. § 1692g.
13. Defendant violated 15 U.S.C. §§ 1692e, 1692e(8), 1692e(10) and 1692g for the failure to communicate that a disputed debt is disputed and for the sending of an additional collection letter without having verified the debt.

14. In addition, Defendant's said October 5, 2012 letter stated in pertinent part as follows:  
"Please be aware that this file may be subject to interest fees and /or adjustments by Citi Bank."
15. Upon information and belief, Defendant only charges interest but does not charge fees and /or adjustments.
16. Furthermore, the said language leaves the least sophisticated consumer to be confused as to whether the language implies only interest fees and adjustments, or interest, fees, and adjustments.

Pipiles v. Credit Bureau of Lockport, Inc., 886 F.2d 22, 25 (2d Cir. 1989). (Because the collection notice was reasonably susceptible to an inaccurate reading, it was deceptive within the meaning of the Act.), Clomon v. Jackson, 988 F.2d 1314, 1319 (2d Cir. 1993). (Collection notices are deceptive if they are open to more than one reasonable interpretation, at least one of which is inaccurate.), Russell v. Equifax A.R.S., 74 F.3d 30, 34 (2d Cir. N.Y. 1996). (A collection notice is deceptive when it can be reasonably read to have two or more different meanings, one of which is inaccurate. The fact that the notice's terminology was vague or uncertain will not prevent it from being held deceptive under § 1692e(10) of the Act.), Campuzano-Burgos v. Midland Credit Mgmt., Inc., 550 F.3d 294 (3d Cir. 2008). (The court summarized the law of deception under the least sophisticated consumer standard: A communication is deceptive for purposes of the Act if: "it can be reasonably read to have two or more different meanings, one of which is inaccurate". This standard is less demanding than one that inquires whether a particular debt collection communication would mislead or deceive a reasonable debtor.)

17. Said October 5, 2012 letter violates 15 U.S.C. §§ 1692e, and 1692e(10) for engaging in false and deceptive practices.

**AS AND FOR A FIRST CAUSE OF ACTION**

***Violations of the Fair Debt Collection Practices Act brought by Plaintiff on behalf of himself and the members of a class, as against the Defendant.***

18. Plaintiff re-states, re-alleges, and incorporates herein by reference, paragraphs one (1) through seventeen (17) as if set forth fully in this cause of action.
19. This cause of action is brought on behalf of Plaintiff and the members of two classes.
20. Class A consists of all persons whom Defendant's records reflect resided in the State of New York and who were sent a collection letter; (a) bearing the Defendant's letterhead in substantially the same form as the letters sent to the Plaintiff, sent within one year prior to the date of the within complaint; (b) the collection letters were sent to a consumer seeking payment of a consumer debt purportedly owed to CitiBank NA; and (c) the collection letters were not returned by the postal service as undelivered; and (d) that the Defendant violated 15 U.S.C. §§ 1692e, 1692e(8) and 1692e(10) for the failure to communicate that a disputed debt is disputed and for sending a letter without having verified the debt in violation of 15 U.S.C. §§ 1692e(10) and 1692g.
21. Class B consists of all persons whom Defendant's records reflect resided in the State of New York and who were sent a collection letter on or about October 5, 2012; (a) bearing the Defendant's letterhead in substantially the same form as the letter sent to the Plaintiff, sent within one year prior to the date of the within complaint; (b) the collection letter was sent to a consumer seeking payment of a consumer debt purportedly owed to CitiBank NA; and (c) the collection letter was not returned by the postal service as

undelivered; (d) and that the Defendant made deceptive and misleading representation in said letter, in violation of 15 U.S.C. §§ 1692e, and 1692e(10).

22. Pursuant to Federal Rule of Civil Procedure 23, a class action is appropriate and preferable in this case because:

- (A) Based on the fact that form collection letters are at the heart of this litigation, the class is so numerous that joinder of all members is impracticable.
- (B) There are questions of law and fact common to the class and these questions predominate over any questions affecting only individual class members. The principal question presented by this claim is whether the Defendant violated the FDCPA.
- (C) The only individual issue is the identification of the consumers who received such collection letters, (*i.e.* the class members), a matter capable of ministerial determination from the records of Defendant.
- (D) The claims of the Plaintiff are typical of those of the class members. All are based on the same facts and legal theories.
- (E) The Plaintiff will fairly and adequately represent the class members' interests. The Plaintiff has retained counsel experienced in bringing class actions and collection-abuse claims. The Plaintiff's interests are consistent with those of the members of the class.

23. A class action is superior for the fair and efficient adjudication of the class members' claims. Congress specifically envisions class actions as a principal means of enforcing the FDCPA. 15 U.S.C. § 1692(k). The members of the class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class

action. Prosecution of separate actions by individual members of the classes would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties and would not be in the interest of judicial economy.

24. If the facts are discovered to be appropriate, the Plaintiff will seek to certify a class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure.
25. Collection attempts, such as those made by the Defendant are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

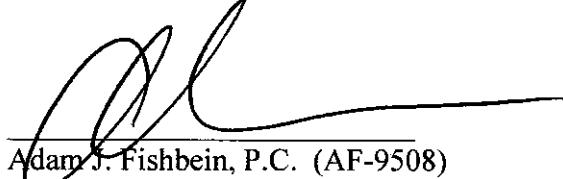
***Violations of the Fair Debt Collection Practices Act***

26. The Defendant’s actions as set forth above in the within complaint violates the Fair Debt Collection Practices Act.
27. Because the Defendant violated of the Fair Debt Collection Practices Act, the Plaintiff and the members of the class are entitled to damages in accordance with the Fair Debt Collection Practices Act.

WHEREFORE, Plaintiff, respectfully requests that this Court enter judgment in his favor and against the Defendant and award damages as follows:

- (a) Statutory and actual damages provided under the FDCPA, 15 U.S.C. § 1692(k);
- (b) Attorney fees, litigation expenses and costs incurred in bringing this action; and
- (c) Any other relief that this Court deems appropriate and just under the circumstances.

Dated: Cedarhurst, New York  
March 14, 2013



Adam J. Fishbein, P.C. (AF-9508)

Attorney At Law

**Attorney for the Plaintiff**

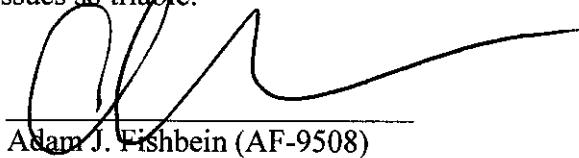
483 Chestnut Street

Cedarhurst, New York 11516

Telephone (516) 791-4400

Facsimile (516) 791-4411

Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)

PO Box 101928, Dept. 2417  
Birmingham, AL 35210

000226



June 7, 2012

**G L B A L**  
 CREDIT & COLLECTION CORP

Global Credit & Collection Corp.  
300 International Drive  
Suite 100  
Box 201  
Williamsville, NY 14221  
1-877-241-7841



36671\*\*\*AUTO\*\*MIXED AADC 350  
Joel Greenfeld  
5 Sasey Ct Unit 102  
Monroe NY 10950-5930

5

Client:	Citibank NA
Global ID:	27742164
Amount Due:	\$7526.40
Web Password:	UeOrubUANI

Dear Joel Greenfeld,

Your CITI MASTERCARD account has been placed with Global Credit & Collection Corp., a collection agency.

As soon as we receive your payment in full on the above-noted account all collection activity will be stopped. All payments mailed to this office should be payable to *Citibank NA*.

For your convenience please visit our self service website at <https://servicing.globalcollection.net>. Once logged in you will have several options such as setting up payments, viewing account details and calculating interest savings. Use your Global ID and web password UeOrubUANI.

Should you have any questions concerning your payment or your account, please contact our office. Please make sure that your payment clearly identifies your name and that of your creditor so that payment can be properly applied to your account.

Mr. Rampersaud  
1-877-241-7841

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Detach and Return Bottom Portion with Payment

## Pay by Auto Pay Payment

Fill in all of the information below, and we will arrange this payment free of charge.		
Name of Bank	<input type="checkbox"/> Checking	<input type="checkbox"/> Savings
Routing Number	Account Number	Payment Date
Name of Account Holder		
Signature	Amount Authorized	\$

Client:	Citibank NA
Global ID:	27742164
Amount Due:	\$7526.40
Web Password:	UeOrubUANI

OR mail in a check or money order to:



Global Credit & Collection Corp.  
300 International Drive Suite 100  
Box 201  
Williamsville, NY 14221

**IMPORTANT NOTICE OF YOUR RIGHTS UNDER FEDERAL LAW**

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment, if any, and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

**WE ARE ACTING AS A DEBT COLLECTOR. THIS LETTER IS AN ATTEMPT TO COLLECT THIS DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

We are required under state law to give you the following notices, some of which refer to rights you also have under federal law. This list does not contain a complete list of the rights which consumers or commercial businesses have under state and federal law. Note the following which apply in the specified states:

STATE	APPLICABLE NOTICE
California	<p>The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or <a href="http://www.ftc.gov">www.ftc.gov</a>.</p>
Colorado	<p>A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.</p> <p><b>FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE <a href="http://WWW.COLORADOATTORNEYGENERAL.GOV/CA">WWW.COLORADOATTORNEYGENERAL.GOV/CA</a>.</b></p> <p>Global Credit and Collection Corp. Office in Colorado: 1776 S. Jackson Street, #900, Denver, CO 80210. Telephone number: 303-753-0945. Hours of operation: Monday to Friday 9:00am - 5:00pm.</p>
Maine	<p>The hours of operation for Global are as follows:</p> <p>Monday to Friday 8am to 9pm      Saturday 8:30am to 5pm      Sunday 8:30am to 5pm</p> <p>Our time zone is Eastern Standard time</p>
Massachusetts	<p><b>NOTICE OF IMPORTANT RIGHTS:</b></p> <p>YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT MAY NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF THE REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE DEBT COLLECTOR.</p> <p>Global Credit and Collection Corp. Office in Massachusetts: 5230 Washington Street, West Roxbury, MA 02132.      Hours of operation: Monday to Thursday 10:00am - 3:00pm.</p>
Michigan	Michigan requires us to give the following notice, however, all consumers have these rights under federal law: The failure of a consumer to dispute the validity of a debt shall not be construed as an admission of liability by the consumer.
Minnesota	This collection agency is licensed by the Minnesota Department of Commerce.
New York	New York City Department of Consumer Affairs license numbers are - Williamsville-1210498 and Markham-1210496. In accordance with the requirements of NY Code Section 20-493.1 we are disclosing that Global Credit and Collection Corporation's contact person is Mr. Daniele DePaolis, telephone number 1-877-241-7840.
North Carolina	North Carolina Department of Insurance permit numbers are - Williamsville-4370 and Markham-4369.
Tennessee	This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance. Tenn. Code. Ann ss 62-20-111(b).
Washington	Global Credit & Collection Corp. licensed address in Washington is: 512 Bell Street, Edmonds, Washington 98020-3147.
Wisconsin	This collection agency is licensed by the Administrator of the Division of Banking, PO Box 7876, Madison, Wisconsin 53707.

June 21, 2012

From:

Joel Greenfeld  
4 Taitch Ct. # 301  
Monroe, NY 10950-5930

To:

GLOBAL CREDIT & COLLECTION CORP.  
300 International Drive Suite 100  
PO Box 201  
Williamsville, NY 14221

RE: Account # 27742164

Dear Management:

This letter is lawful notification to GLOBAL CREDIT & COLLECTION CORP. as the first step of due process of law pursuant to the Bill of Rights and the Federal Constitution. Please take Notice that Joel Greenfeld CONDITIONALLY ACCEPTS YOUR CLAIM UPON BONA FIDE PROOF that your claim is lawful and valid.

Please take lawful notice that in order to effect this BONA FIDE PROOF, GLOBAL CREDIT & COLLECTION CORP. via a legally authorized representative is lawfully required and hereby demanded to respond point by point in Truth, Fact, and Evidence to each and every item set forth in this correspondence before he or his Authorized Representative can make an offer to settle GLOBAL CREDIT & COLLECTION CORP.'s alleged claim in this matter.

Please provide the following:

1. A copy of the contract that binds myself, a Natural Person, and GLOBAL CREDIT & COLLECTION CORP. a creature of the State who is defined as an ARTIFICIAL PERSON.
2. PROOF OF CLAIM via certified, notarized, specific, and relevant documents that GLOBAL CREDIT & COLLECTION CORP.:
  - a. Has any contract or agreement which lawfully compels this Natural Person to accept and/or respond to any communications from GLOBAL CREDIT & COLLECTION CORP.
  - b. Is a lawful and valid party in interest in this matter.
  - c. Is not an unrelated third party.
  - d. Is not an unrelated third party debt collector.
  - e. Did not purchase this alleged debt for an agreed upon cost from an alleged other COMPANY, CORPORATION, or Party.
  - f. Is not acting on its own behalf and/or interests in this instant matter.
  - g. When and how did you get my permission to obtain my consumer credit report.

Please have your legally authorized representative respond via signed affidavit, under penalty of perjury, and enclose copies of all relevant documents that demonstrate BONA FIDE PROOF OF YOUR CLAIM within 10 days of receipt of this letter, via certified mail.

This is not a request for "verification" or proof of my mailing address, but a request for VALIDATION made pursuant to the above named Title and Section.

If your offices fail to respond to this validation request within 10 days from the date of your receipt, all references to this account must be deleted and completely removed from all of my 3 consumer credit report files Experian, Trans Union, Equifax, and a copy of such deletion request shall be sent to me immediately.

Under the "Fair Debt Collections Practices Act" as codified at 15 U.S.C. § 1692, which stipulates that a debt collector must, if requested, provide validation of the alleged debt, i.e. validate the debt. The debt collector is mandated under "FDCPA" to "**cease and desist**" ALL collection activity until verification of the original note is provided.

Your failure to provide a lawfully valid response within 10 days, as stipulated, is GLOBAL CREDIT & COLLECTION CORP. and their representatives admission to the fact that you have no BONA FIDE PROOF OF CLAIM in this instant matter which is your lawful, legal and binding agreement with and admission to this fact as true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you.

Your silence is your acquiescence.

Dated: June 21, 2012

All Rights Reserved,  
Respectfully submitted,

By:

Sent by Certified US Mail # 7012 1010 0003 5808 9809

U.S. Postal Service		CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)			
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>			
OFFICIAL USE			
4 5 M 6 P 7 S 8 E 9 D 0 T 1 R 2 O 3 L 4 J 5 A 6 N 7 B 8 U 9	Postage	\$	\$0.45
	Certified Fee		\$2.95
	Return Receipt Fee (Endorsement Required)		\$0.00
	Restricted Delivery Fee (Endorsement Required)		\$0.00
	Total Postage & Fees	\$	\$3.40
	Sent To		
Street, Apt. No. or P.O. Box No.			
City, State, ZIP+4			
WILLIAMSVILLE NY 14221			
PS Form 3800, August 2006			
See Reverse for Instructions			



Global Credit & Collection Corp.  
2699 Lee Rd Suite 330  
Winter Park, Florida 32789 Tel: 1-855-601-0375

Client:	Citibank NA
Global ID:	27742164
Amount Due:	\$7803.55
Web Password:	UeOrubUANI

YOU HAVE OPTIONS!

October 5, 2012

Dear Joel Greenfeld,

Our records show that we have yet to reach an amicable resolution to your account. We would like to present you with an opportunity with respect to your CITI MASTERCARD account that may never have been offered to you before! Make us an offer on your account today at 1-855-899-6114.



#### OFFER A SETTLEMENT

We may be able to reduce the amount you have to pay back on this account. Provided that your circumstances allow, there may be an opportunity to reduce your debt substantially.



#### OFFER A PAYMENT PLAN

We understand that not everyone is in the position to make settlement offers. We are also interested in helping you make payments to your accounts. Call us today and see if we can come to terms on an arrangement that can possibly stop interest on your account!



Using Our Website for your convenience <https://servicing.globalcollection.net>

For your convenience please visit our self service website at <https://servicing.globalcollection.net>. Once logged in you will have several options such as setting up payments, viewing account details and calculating interest savings. Use your Global ID and web password UeOrubUANI.

Ms. Persaud  
1-855-899-6114

Whenever \$600.00 or more of a debt is forgiven as a result of settling a debt for less than the balance owing, the creditor may be required to report the amount of the debt forgiven to the Internal Revenue Service on a 1099C form, a copy of which would be mailed to you by the creditor. If you are uncertain of the legal or tax consequences, we encourage you to consult your legal or tax advisor.

Please be aware that this file may be subject to interest fees and/or adjustments by Citi Bank. Should interest occur within the period of the dispatch of this letter and the settlement payment(s) to your account, you will be subject to paying the difference on the settlement, reduced by the same settlement rate as negotiated on your account.

THIS HAS BEEN SENT TO YOU BY A DEBT COLLECTOR

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Detach and Return Bottom Portion with Payment

Pay by Auto Pay Payment

Fill in all of the information below, and we will arrange this payment time of charge.

PO Box 101928, Dept. 2417